

Application No. 10/709,688

Docket No. 13DV-14039-3

Amendment dated August 7, 2006

Reply to Office Action of April 5, 2006

REMARKS

In the Advisory Action, the Examiner maintained rejections of independent claim 1 and its dependent claims 2-3 and 19 under 35 USC §§102 and/or 103(a) on the basis that the claims "remain rejected . . . for the reasons previously stated." The Advisory Action indicated that the amendments proposed in Applicants' Rule 116 amendment filed June 8, 2006, would be entered for purposes of appeal, with the result that the Rule 116 amendment is currently unentered.

In response, Claim 1 has been amended to incorporate the limitations of its dependent claim 7 (canceled without prejudice to Applicants), pursuant to the Examiner's conclusion in the preceding Office Action that claim 7 recited allowable subject matter. As such, Applicants believe independent claim 1 and its remaining dependent claims 2-6, 8, and 20 are allowable over the prior art of record.¹

The amendment of claim 1 strictly complies with 37 CFR §1.116(a) as being limited to reducing and simplifying the issues remaining in the examination of Applicants' application - namely, placing claims 1 and its

¹ Independent claim 9 and its dependent claims 10-18 have been allowed.

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remaining dependent claims in condition for allowance. Consequently, the above amendment does not raise new issues that would require further consideration and/or search by the Examiner, and places the claims in better condition for appeal.

Applicants wish to note that the Advisory Action does not acknowledge or rebut Applicants' statement in their Rule 116 amendment regarding the lack of any explanation as to "any of these references [being] operable to perform the operation recited in dependent claim 20." Such an omission is contrary to MPEP 707.07(f)², and has unfairly denied Applicants the opportunity to learn what the Examiner's arguments would be (e.g., on appeal or in response to the filing of a continuation application) for finding Applicants' arguments unpersuasive and for maintaining the rejection of claim 20.

² "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

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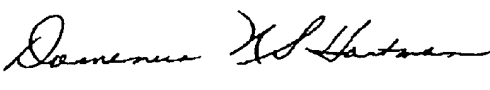
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Closing

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

By 

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August 7, 2006
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Attachment: Fee Transmittal form